

EX PARTE OR LATE FILED

Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)
)
Implementation of Section 309(j))
of the Communications Act)
Competitive Bidding Treatment of)
Designated Entities)


PP Docket No. 93-253

To: The Secretary

EX PARTE PRESENTATION

MasTec, Inc. submits an original plus one copy of this memo and attached letter (hand-delivered ex-parte to Commissioners Andrew C. Barrett, James Quello, Rachelle Chong, and Susan Ness) for inclusion in the record of the above-referenced rule making proceeding.

Respectfully submitted,

for 
Matthew L. Leibowitz
Counsel for MasTec, Inc.

May 31, 1994

Leibowitz and Associates
One S.E. Third Avenue
Suite 1450
Miami, FL 33131
(305) 530-1322

No. of Copies rec'd
List ABCDE

OH

ORIGINAL
DOCKET FILE COPY ORIGINAL
JUN 1 1994
FCC MAIL ROOM

Congress of the United States

House of Representatives

Washington, DC 20515

May 20, 1994

The Honorable Reed Hundt
Chairman
Federal Communications Commission
1919 M Street, N.W. Room 814
Washington, D.C. 20554

Dear Chairman Hundt:

We are concerned with recent indications that the Federal Communications Commission (FCC) may not be fully implementing Section 309(j) of the Communications Act passed by Congress in August 1993, granting the Commission authority to conduct auctions for licensing radio spectrum for the emerging Personal Communications Services (PCS) industry.

Congress specifically designed subsection 4(D) of Section 309(j) to ensure that women and minority owned firms, small businesses, and rural telephone companies are given an equal opportunity to participate in the PCS bidding process. As you know, PCS will create a massive new telecommunications market representing an historic opportunity to expand the ownership and control of our telecommunications industry to include all citizens.

Given the estimated costs of establishing a PCS network and purchasing licenses, it is our belief that the Commission must implement four essential mechanisms so minority and women owned firms (having at least 50.1 percent equity ownership and 50.1 percent controlling interest) and small businesses, including rural telephone companies, have access to the necessary capital to compete in the PCS market. These mechanisms are: frequency set-asides; installment payments; tax certificates; and bidding credits. Anything short of these devices, particularly set-asides, would fail to properly and fully implement the provisions of Section 309(j)(4)(D) of the Communications Act and would have the likely effect of barring minority, women, and small business entry into the PCS market.

While the March 8, 1994 FCC regulations on competitive bidding for narrowband radio spectrum included some provisions for women, small businesses, and minority participation, the Commission did not treat these entities in a balanced manner, and failed to address rural telephone companies specifically. By failing to categorically and uniformly adopt spectrum set-asides on an MTA basis, tax

The Honorable Reed Hundt
May 20, 1994
Page two

certificates, installment payments and bidding credits, the Commission falls short of complying with its congressional mandate to ensure fair opportunities for small business, including rural telephone companies, minorities and women in this new form of communication.

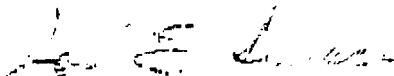
Compliance with Congressional intent is critical to ensure that the designated entities have access to participate in this emerging industry. We trust that you will look into this matter and address our concerns before the promulgation of auction rules for broadband PCS. We would also welcome your assurance that the Commission will pursue a strategy to suitably improve the problems we have raised.

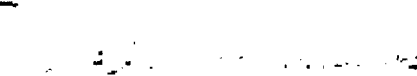
Thank you for your attention to this matter. We look forward to your response.

Sincerely,


Bill Richardson, M.C.


Patricia Schroeder, M.C.


Jose Serrano, M.C.


Major Owens, M.C.



Melvin Watt, M.C.

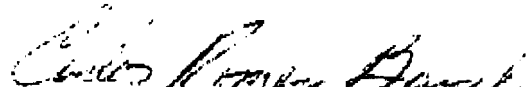

Jesse Kos-Lehtinen, M.C.


Eddie Bernice Johnson, M.C.


Robert Torricelli, M.C.


Lincoln Diaz-Balart, M.C.


Nancy Johnson, M.C.


Carlos Romero-Barcelo, M.C.


Frank McCloskey, M.C.


Robert Menendez, M.C.


Peter Deutsch, M.C.

The Honorable Reed Hundt
May 20, 1994
Page three

Marjorie Margolies Mezvinsky

Marjorie Margolies-Mezvinsky, M.C.

Bert Sanders

Bernard Sanders, M.C.

Robert C. Scott

Robert C. Scott, M.C.

Tim Penny

Timothy Penny, M.C.

Mike Parker

Mike Parker, M.C.

30 GIBBS ST. NEW YORK, N.Y.
 WASHINGTON
 2349 HAYWARD HOUSE OFFICE BUILDING
 WASHINGTON, DC 20515
 (202) 225-6150
 WHIP OFFICE
 R-156 U.S. CAPITOL
 WASHINGTON, DC 20516

BILL RICHARDSON
 CHIEF DEPUTY MAJORITY WHIP



CHAIRMAN, SUBCOMMITTEE ON
 NATIVE AMERICAN AFFAIRS
 COMMITTEES:
 ENERGY AND COMMERCE
 NATURAL RESOURCES
 SELECT COMMITTEE ON INTELLIGENCE
 HOLDINGS COMMISSION
 ON HUMAN RIGHTS

Congress of the United States
House of Representatives
 Washington, DC 20515-5105

May 27, 1994

The Honorable Reed Hundt
 Chairman
 Federal Communications Commission
 1919 M Street, N.W. Room 814
 Washington, D.C. 20554

FOR MAIL ROOM

Dear Chairman Hundt:

I am enclosing the signatures of 44 additional members of Congress who would like to add their names to the letter regarding Personal Communications Services auction rules for the designated entities which I, along with 18 members, sent to you on May 20. A copy of the original letter is also attached.

I apologize for the hasty presentation of the additional signatures, but I believe that Congressional support for the strategy outlined in the attached letter is clear. Please contact me if I can provide you further information.

With warm regards,

Bill Richardson
 Chief Deputy Majority Whip

BR/mm

DISTRICT OFFICES

SANTA FE
 611 PASEO DE PERALTA
 SANTA FE, NM 87501
 (505) 288-7230

SAN LUIS
 CASAS CRISTAL
 2ND AND AZTEC STREETS
 SAN LUIS, NM 87001
 (505) 733-6322

LAS VEGAS
 SAN MIGUEL COUNTY COURTHOUSE
 P.O. BOX 18895
 LAS VEGAS, NV 89101
 (303) 428-7270

CLARK
 602 MITCHELL STREET
 CLARK, NV 89101
 (505) 788-3380

Jim Bacchus
Jim Bacchus, M.C.

Gerald Kieczka
Gerald Kieczka, M.C.

Ben Gilman
Ben Gilman, M.C.

Ed Pastor
Ed Pastor, M.C.

Steny Boyer
Steny Boyer, M.C.

Bart Stupak
Bart Stupak, M.C.

Karen Thurman
Karen Thurman, M.C.

Butler Derrick
Butler Derrick, M.C.

Bob Carr
Bob Carr, M.C.

Xavier Becerra
Xavier Becerra, M.C.

Gerry Studds
Gerry Studds, M.C.

Nydia M. Velazquez
Nydia M. Velazquez, M.C.

Lucille Royball-Allard
Lucille Royball-Allard, M.C.

Luis V. Gutierrez
Luis V. Gutierrez, M.C.

Mike Bilirakis
Michael Bilirakis, M.C.

Albert R. Wynn
Albert R. Wynn, M.C.

Carrie P. Meek
Carrie Meek, M.C.

Eva M. Clayton
Eva M. Clayton, M.C.

Solomon P. Ortiz
Solomon P. Ortiz

Nancy Pelosi
Nancy Pelosi, M.C.

Nita Lowey
Nita Lowey, M.C.

Rosa DeLauro
Rosa DeLauro, M.C.

Corrine Brown
Corrine Brown, M.C.

Esteban Torres
Esteban Torres, M.C.

Pete Peterson
Pete Peterson, M.C.

Sidney Yates
Sidney Yates, M.C.

David Skaggs
David Skaggs, M.C.

Bill Hefner
Bill Hefner, M.C.

Bob Wise
Bob Wise, M.C.

Tom Sawyer
Tom Sawyer, M.C.

Tim Johnson
Tim Johnson, M.C.

Michael Kopetski
Michael Kopetski, M.C.

Jerrold Nadler
Jerrold Nadler, M.C.

Barney Frank
Barney Frank, M.C.

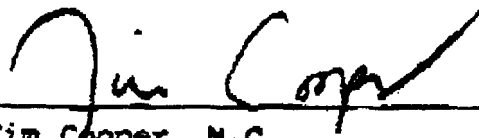
Sam Giddenson
Sam Giddenson, M.C.

Howard Berman
Howard Berman, M.C.

Rance Vento
Rance Vento, M.C.

Thomas Manton
Thomas Manton, M.C.

Charlie Rose
Charlie Rose, M.C.



Jim Cooper, M.C.



Gary Condit, M.C.



Martin Frost, M.C.



Richard Durbin, M.C.



Dan Glickman, M.C.
